

examination to be entirely without the principle upon which the rule rests. That is, they will be found, not to be communications from the client to the legal adviser at all, but information which the latter has acquired, independently of any such communication. And where that is the case, the interest of justice, so far from requiring that it shall be locked up in the breast of the attorney, demand its publicity, when necessary to guard, or to assert the rights of third persons.

These views of the law upon this subject, are sustained by the passages referred to in *Greenleaf on Evidence*, from section 237 to 245, and, in my opinion, rendered it perfectly proper that the witnesses should refuse to disclose the communications made to him by Mrs. Gibson, and which are called for by the fourth interrogatory, on the part of Edward Lloyd and others. Those portions of said interrogatory, which call for the provisions of the will, the reasons assigned by the testatrix therefor, and the conversations between her and the witness upon the subject, seem to me to fall clearly within the rule, and to be privileged communications, which must not be divulged; the witness in his protest to the question stating, that all his conversation with her upon the subject was in relation to the will, in the drawing of which, he was acting as her attorney.

It appears to me, that if any thing was said in the course of that conversation, between Mrs. Gibson and the witness, they standing towards each other, in the matter then in hand, in the relation of legal adviser and client, which could if revealed by the witness, operate to her prejudice, the rule which prohibits such revelations, applies to it with stringent force. If there is any occasion upon which the secrets of the client should be safe when entrusted to his professional adviser, it must be when the client is making the final disposition of his worldly affairs, when, if ever, he must be suffered to make the most unreserved disclosures.

I think, therefore, that the witness was not at liberty to give the information called for in the defendant's fourth interrogatory in regard to the provisions of the will of Mrs. Gibson, the reasons for such provisions, and the conversation that took